

REMARKS

This Amendment is in response to the Office Action mailed July 14, 2008. With this amendment claim 1 is amended and the remaining claims are unchanged.

Reconsideration and withdrawal of the rejections are respectfully requested in view of the following remarks.

I. Claim Amendments

Claim 1 is amended to include features related to a computer system. These amendments are supported at least by the description of FIG. 1. No new matter is presented. Entry is respectfully requested.

II. Rejections under §101

In item 3 of the Office Action claims 1-12 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular the Examiner asserted that claims 1-12 were directed to software per se. In response the Applicant has amended claim 1 to include features related to a computer system. Therefore, the Applicant respectfully submits that the present claims are clearly directed to a "system". Thus, the Applicant believes the Examiner's rejection has been addressed. Reconsideration and withdrawal of the rejection are respectfully requested.

III. Rejection under §102(b)

In item 4 of the Office Action claims 1-11, 13-25 and 27 were rejected under 35 U.S.C. §102(b) as being anticipated by Kirsch et al, U.S. Patent No. 6,070,158, (hereinafter "Kirsch"). The Applicant has reviewed the Kirsch reference and must respectfully disagree.

Type of Response: Amendment
Application Number: 10/761,160
Attorney Docket Number: 305335.01
Filing Date: Jan 20, 2004

Kirsch is directed to a system that indexes a document for use in a search engine with both individual words and phrases. In generating the index of words and phrases Kirsch searches the document and counts the number of occurrences of the word or phrase in the document or set of documents. If a word or phrase occurs too frequently (i.e. over 40,000 times) the word or phrase is placed in a word stop list. The word stop list ceases to count the word if it is encountered again. Further, words in the word stop list are not mapped to the document. (see FIG. 3) These words are effectively ignored when searching a document. The phrase index and the word index generated by Kirsch are merged into the document record. Thus, Kirsch has only one index mapped to the document(s).

A. Claims 1, 13, 19 and 27

In contrast present claim 1 requires two separate indexes mapped to the document. The two indexes are the frequent word index and the infrequent word index. Words are placed in one of the two indexes based on their occurrence in the documents relative to a threshold number of occurrences. Specifically, those words that occur in more than threshold amount of documents are placed in the frequent word index, and those that occur less than the threshold are placed in the infrequent word index.

The Examiner asserts in the rejection that the frequent word index is the stop list of Kirsch and the infrequent word index is either the phrase index or the general index of Kirsch. However, as discussed above, the word stop list of Kirsch is not mapped to the document as required by claim 1. The Examiner has maintained the assertion that the word stop list is mapped to the document. However, column 10 lines 40-45 of Kirsch clearly show that this is not the case. Specifically, Kirsch states "The terms passed by the term filter 72 are recorded in the term list that is part of the document record 66."

Type of Response: Amendment
Application Number: 10/761,160
Attorney Docket Number: 305335.01
Filing Date: Jan 20, 2004

Further Kirsch states "A word stop list 70 is utilized by the term filter 72 to eliminate terms...." See Column 10 lines 19-22. Therefore, the Applicant respectfully submits that Kirsch does not disclose "a frequent word index that maps the location of documents that contain words that occur in more than a threshold number of documents." Thus, claim 1 is believed allowable over Kirsch. Furthermore, independent claims 13, 19 and 27 include similar features and are believed allowable over Kirsch for the same or similar reasons. Reconsideration and withdrawal of the rejection are respectfully requested.

B. Dependent claims 2-11, and 14-25

Dependent claims 2-11 and 14-25 are dependent claims that depend from independent claims 1, 13 and 19 respectively. These claims are believed allowable, at least based on their dependency from allowable independent claims. Reconsideration and withdrawal of the rejection are respectfully requested.

IV. Rejections under §103

In item 5 of the Office Action the Examiner rejected claims 12 and 26 under 35 U.S.C. §103(a) as being unpatentable over Kirsch in view of Olstad, U.S. Patent Publication No. 2002/0032772, (hereinafter "Olstad"). The Applicant has reviewed the cited combination and must respectfully disagree.

Dependent claims 12 and 26 depend from independent claims 1 or 19 respectively. As discussed above claims 1 and 19 are believed allowable over Kirsch. The addition of Olstad does not remedy the deficiencies of Kirsch. Therefore, the cited combination cannot disclose all of the features of the associated dependent claims. Thus claims 12

Type of Response: Amendment
Application Number: 10/761,160
Attorney Docket Number: 305335.01
Filing Date: Jan 20, 2004

and 26 are believed allowable. Reconsideration and withdrawal of the rejection are respectfully requested.

CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and allowance of the pending claims are respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

Type of Response: Amendment
Application Number: 10/761,160
Attorney Docket Number: 305335.01
Filing Date: Jan 20, 2004

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
Microsoft Corporation

Date: October 13, 2008

By: /Nathan M. Rau/

Nathan M. Rau Reg. No.: 45,466
Attorney for Applicants
Direct telephone (425) 706-6882
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

CERTIFICATE OF MAILING OR TRANSMISSION
(Under 37 CFR § 1.8(a)) or ELECTRONIC FILING

I hereby certify that this correspondence is being electronically deposited with the USPTO via EFS-Web on the date shown below:

October 13, 2008
Date

/Noemi Tovar/
Noemi Tovar

Type of Response: Amendment
Application Number: 10/761,160
Attorney Docket Number: 305335.01
Filing Date: Jan 20, 2004